

Serial No. **53607**

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUN 30 1989

Returned to applicant for correction \_\_\_\_\_

Corrected application filed SEP 26 1989 Map filed DEC 19 1989 under 53596

The applicant U.S. Fish and Wildlife Service

1002 N.E. Holladay Street of Portland  
Street and No. or P.O. Box No. City or Town

Oregon 97232-4181 hereby make S. application for permission to change the  
State and Zip Code No.

point of diversion, manner of use, and place of use  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Certificate Record No. 1141 (Permit No. 3485).  
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Fairbank's Spring  
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.9127 c.f.s. or 659.6 acre-feet per annum  
Second feet, acre feet. One second foot equals 448.3 gallons per minute.

3. The water to be used for wildlife purposes.  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for irrigation and domestic.  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T. 17 S., R. 50 E.,  
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.  
M.D.B.&M. The  $\frac{1}{4}$  corner between Section 9 and 10, same Township and Range,  
bears S. 42° 48' 07" E. at a distance of 746 feet.

6. The existing permitted point of diversion is located within the SW part of the SE $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 9,  
If point of diversion is not changed, do not answer  
T. 17 S., R. 50 E., M.D.B.&M. situated in Nye County, State of Nevada.

7. Proposed place of use Ash Meadows National Wildlife Refuge (see Attachment A for  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
legal description).

8. Existing place of use 60.04 acres in the W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 21, T. 17 S., R. 50 E., M.D.B.&M.;  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.  
29.74 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 21, T. 17 S., R. 50 E., M.D.B.&M.; 1.49 acres  
in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 21, T. 17 S., R. 50 E., M.D.B.&M.

9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) As much as practicable, re-establish  
State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes, or drilled well, etc.  
historical natural drainage patterns and wetlands.

12. Estimated cost of works \$70,000 for entire refuge system.

13. Estimated time required to construct works four years.

14. Estimated time required to complete the application of water to beneficial use.....five years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water will be used in Ash Meadows National Wildlife Refuge for wildlife purposes.

By s/Robert Oser  
U.S. FISH AND WILDLIFE SERVICE  
1002 N.E. HOLLADAY STREET  
PORTLAND, OREGON 97232-4181

Compared bc/ db am/se

Protested

APPROVAL OF STATE ENGINEER

This is to certify I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner and place of use of the waters of Fairbanks Spring as heretofore granted under Permit 3485, Certificate 1141 is issued subject to the terms and conditions imposed in said Permit 3485, Certificate 1141 and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....0.9127.....cubic feet per second, but not to exceed 659.6 acre-  
feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....September 28, 1992

Proof of completion of work shall be filed before.....October 28, 1992

Application of water to beneficial use shall be made on or before.....September 28, 1995

Proof of the application of water to beneficial use shall be filed on or before.....October 28, 1995

Map in support of proof of beneficial use shall be filed on or before.....N/A

Completion of work filed.....JUL 31 1992

Proof of beneficial use filed.....OCT 16 1995

Cultural map filed.....

Certificate No. 14342 Issued 06-18-96

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,  
State Engineer of Nevada, have hereunto set my hand and the seal of my  
office, this 28th day of September  
A.D. 19 96  
[Signature]  
State Engineer

## Attachment A

ASH MEADOWS NATIONAL WILDLIFE REFUGE  
 Nye County, Nevada  
 Mount Diablo Meridian  
 Lands within Approved Boundary

T. 17 S., R. 50 E.

Section 9 Lots 7 and 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 10 S $\frac{1}{4}$ ;  
 12 NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 15 All;  
 16 All;  
 17 E $\frac{1}{4}$ E $\frac{1}{4}$ ;  
 19 SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 20 E $\frac{1}{4}$ , S $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 21 All;  
 22 All;  
 23 Lots 3 and 4, W $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 26 S $\frac{1}{4}$ ;  
 27 All;  
 28 All;  
 29 All;  
 30 E $\frac{1}{4}$ E $\frac{1}{4}$ ;  
 32 E $\frac{1}{4}$ , E $\frac{1}{4}$ W $\frac{1}{4}$ ;  
 33 All;  
 34 All;  
 35 All;  
 36 W $\frac{1}{4}$ , S $\frac{1}{4}$ SE $\frac{1}{4}$ ;

T. 17 S., R. 51 E.

Section 31 Lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 32 S $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;

T. 18 S., R. 50 E.

Section 1 All;  
 2 All;  
 3 All;  
 4 All;  
 9 E $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
 10 All;  
 11 All;  
 12 All;  
 13 All;  
 14 All;  
 15 All;  
 16 E $\frac{1}{4}$ E $\frac{1}{4}$ ;  
 23 All;  
 24 All;  
 25 N $\frac{1}{4}$ ;  
 26 NE $\frac{1}{4}$ ;

T. 18 S., R. 51 E.

Section 5 All;  
 6 All;  
 7 All;  
 8 All;  
 17 W $\frac{1}{4}$ E $\frac{1}{4}$ , W $\frac{1}{4}$ ;  
 18 All;  
 19 All;  
 20 W $\frac{1}{4}$ E $\frac{1}{4}$ , W $\frac{1}{4}$ ;  
 29 W $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
 30 N $\frac{1}{4}$ .